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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,062	(	07/16/2001	Oscar Mora	38146	1261
29569	7590	01/08/2004		EXAMINER	
JEFFREY 1		<b></b>	PATEL, ASHOKKUMAR B		
253 N. MAIN STREET JOHNSTOWN, OH 43031				ART UNIT	PAPER NUMBER
	, -			2154	· · · · · · · · · · · · · · · · · · ·
				DATE MAILED: 01/08/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)				
	Office detion Summer.	09/682,062	MORA, OSCAR				
	Office Action Summary	Examiner	Art Unit				
		Ashok B. Patel	2154				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
THE I - Exter after - If the - If NO - Failu - Any r	ORTENED STATUTORY PERIOD FOR A MAILING DATE OF THIS COMMUNICAT nsions of time may be available under the provisions of 37 of SIX (6) MONTHS from the mailing date of this communicat period for reply specified above is less than thirty (30) day period for reply is specified above, the maximum statutory re to reply within the set or extended period for reply will, by eply received by the Office later than three months after the dipatent term adjustment. See 37 CFR 1.704(b).	TION.  CFR 1.136(a). In no event, however, may a repliction.  s, a reply within the statutory minimum of thirty (if period will apply and will expire SIX (6) MONTH y statute, cause the application to become ABAN	y be timely filed  30) days will be considered timely.  S from the mailing date of this communication.  IDONED (35 U.S.C. § 133).				
1)[	Responsive to communication(s) filed on	·					
2a) <u></u> □	This action is <b>FINAL</b> . 2b)⊠	This action is non-final.					
3)[	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
5)□ 6)⊠ 7)□	Claim(s) 1-12 is/are pending in the application 4a) Of the above claim(s) is/are with Claim(s) is/are allowed.  Claim(s) is/are rejected.  Claim(s) is/are objected to.  Claim(s) are subject to restriction	ithdrawn from consideration.					
,	on Papers	and/or orodon/roquirement					
	•	aminer					
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 16 July 2001 is/are: a) accepted or b) doublected to by the Examiner.							
,	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
	ınder 35 U.S.C. §§ 119 and 120						
a)[	Acknowledgment is made of a claim for for All b) Some * c) None of:  1. Certified copies of the priority documents.  2. Certified copies of the priority documents.  3. Copies of the certified copies of the application from the International Englishments.  See the attached detailed Office action for acknowledgment is made of a claim for documents.  7 CFR 1.78.  9 The translation of the foreign language.  Cocknowledgment is made of a claim for documents.	uments have been received.  uments have been received in Apple priority documents have been resureau (PCT Rule 17.2(a)).  a list of the certified copies not resure priority under 35 U.S.C. § the first sentence of the specification priority under 35 U.S.C. § the provisional application has been prestic priority under 35 U.S.C. § §	ceived in this National Stage ceived. 119(e) (to a provisional application) on or in an Application Data Sheet. n received. 120 and/or 121 since a specific				
Attachment(s)							
2) Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-9- nation Disclosure Statement(s) (PTO-1449) Paper I	48) 5) Notice of Info	nmary (PTO-413) Paper No(s) mal Patent Application (PTO-152)				

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#### DETAILED ACTION

1. Application Number 09/682, 062 was filed on 07/16/2001. Claims 1-12 are subject to examination.

### Drawings

2. The drawings are objected to because the Detailed Description describes the reference characters 112, 116, 114a, 114b, 114n 118a, 118b, and 118n in Fig.1. See page 8. These reference characters are not present in Fig.1. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

# Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1- 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myer et al. (hereinafter Myer)(US 6,574,234) in view White (6,002,669).

Referring to claim 1,

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The reference Myer teaches networks including Ethernet networks with a plurality of

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control devices and having all control devices management functions executed by a

computer means (Abstract). The reference also teaches the computer means sending

a broadcast message and the control devices responding to the broadcast message.

(col. 6, lines 55-67 and col.7, lines 1-9). The reference does not teach the control

devices responding to the broadcast message on a unique time delay. The reference

White teaches the control devices connected to the networks such as Ethernet (col. 1,

lines 10-36, col. 3, lines 30-36 and 65-67) responding with a unique time delay. (Fig. 4

and col.4, lines 46-52). Therefore, it would have been obvious to one having ordinary

skill in the art at the time of invention was made to combine Myer with White because it

would provide the network with collision avoidance mechanism resulting in minimal

impact on information throughput as taught by White.

Referring to Claim 2,

The reference Myer teaches the controller and the computer means able to

communicate over a variety of types of networks including Ethernet networks. (col.3,

lines 8-11). The reference also teaches that the system is compatible with a wide variety

of networking standards, thereby it teaches the systems using an Ethernet standard.

(col. 4, lines 29-31).

Referring to claim 3,

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Myer does not specifically teach the computer means as being an 8-bit processor. The

reference White teaches the effective network implementation with economical micro-

controllers costing under \$1. (col. 3, lines 18-24). Therefore, it would have been

obvious to one having ordinary skill in the art at the time of invention was made to

modify Myer by employing White's low cost, 8 bit computer means rather than 32 bit.

computer means because it would provide the low cost message providing efficient

network for low cost applications as taught by White.

Referring to claim 4,

The reference Myer teaches the network having a hub. (Fig. 2, element 102, col.5, lines

31-33).

4. Claim 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myer et

al. (hereinafter Myer)(US 6,574,234) and White (6,002,669) as applied to claims 1-4

above, and further in view of Flickinger et al. (hereinafter Flickinger)(US 4,354,226).

Referring to claims 5 and 9,

Keeping in mind the teachings of Myer and White, White teaches the sender's desired

reply conditions indicated by a single byte that includes the codes including

acknowledge after delay (Abstract, col. 7, lines 4-8 and col. 8, lines 65-67 and col. 9,

lines 1-39) and, MAC address priority resolution and collision avoidance with minimal

impact on packet throughput. (col. 3, lines 30-36). Thus, White teaches the use of byte

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(response byte) as a means to provide the controller with different types of acknowledgements including delayed acknowledgement in response to a broadcast message by the plurality of control devices. White fails to teach the use of the response byte as a counter to implement the delay in responding to the controller. Flickinger teaches the use of a specific byte as a counter which can be reset. (col. 6, lines 54-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Myer and White by employing Flickinger's technique of using the specific byte or bytes of MAC addresses of the control devices as counters to delay the responses by the control devices, in this case only the fourth byte or the fourth, fifth and sixth, because it would provide the network with collision avoidance mechanism resulting in minimal impact on information throughput as taught by White.

# Referring to claims 6 and 10,

Keeping in mind the teachings of Myer, White, and Flickinger as indicated for the claims 5 and 9, in addition the reference Flickinger also teaches that the control byte used as a counter is reset to 0 each time the frame is transmitted by the box (controlled device.) (col.6, lines 51-56). Thus, the reference teaches that the counter byte is resettable to its original value if it is used as a counter that reaches zero. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Myer and White by employing Flickinger's technique of using the specific byte or bytes, in this case only the fourth byte or the fourth, fifth and sixth, of MAC addresses of the control devices as counters which can be reset to their original value before the

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counter bytes begin counting down to a certain value, in this case it very well be zero, to delay the responses by the control devices. Counter byte resetting to their original value is a must because the control devices are identified by their respective MAC addresses by computer means.

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## Referring to claims 7, 8,11 and 12,

Keeping in mind the teachings of Myer and White as above, in addition the reference White teaches the byte of the message by the sender includes the information that contains the sender's desired reply conditions (col.7, lines 4-8) and, that the sender expects the proper response to complete the message transaction. Also, the sender byte provides the codes for the response such as "Acknowledgement After Delay". (col.8, lines 64-67 and col.9, lines 1-39). Thus, the reference teaches that the sender's message is providing the necessary parameters for the control device's response for delaying the acknowledgement. White fails to teach the use of the response byte as a counter to implement the delay in responding to the controller. Flickinger teaches the use of a specific byte as a counter which can be reset. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Myer and White by employing Flickinger's technique of using the specific byte or bytes, in this case only the fourth byte or the fourth, fifth and sixth, of MAC addresses of the control devices as counters which can be provided with White's parameters in the broadcast message to set the desired time increments for delay and, depending upon the desired delay by the broadcast message the specific number of bytes are used as

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Because, by providing the reply conditions in message provides the counter.

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communications reliability and flexibility in wide array of devices as taught by White.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ashok B. Patel whose telephone number is (703) 305-

2655. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone

number for the organization where this application or proceeding is assigned is (703)

872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Abp

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